IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.15006 of 2006

PROF. DR. UGRANATH JHA, RETIRED AS HEAD OF THE DEPARTMENT OF SOCIOLOGY, LALIT NARAYAN MITHILA UNIVERSITY, DARBHANGA S/O LATE TANTRA NATH JHA, R/O MOHALLA LALKOTHI, RAJ KUMAR GANJ,(LAL KOTHI)P.S. DARBHANGA, DISTRICT DARBHANGA.

.....PETITIONER.

Versus

1.THE STATE OF BIHAR THROUGH SECRETARY HIGHER EDUCATION, BIHAR, PATNA.
2.LALIT NARAYAN MITHILA UNIVERSITY, KAMESHWAR NAGAR, P.S. LALIT NARAYAN MITHILA UNIVERSITY CAMPUS, DARBHANGA, THROUGH ITS REGISTRAR.
3.THE FINANCE OFFICER, LALIT NARAYAN MITHILA UNIVERSITY, KAMESHWAR NAGAR, P.S. LALIT LALIT NARAYAN MITHILA UNIVERSITY CAMPUS, DARBHANGA,.
4.THE BIHAR STATE UNIVERSITY (CONSTITUENT) SERVICE COMMISSION-9, BAILEY ROAD, PATNA THROUGH ITS SECRETARY.
5.THE VICE CHANCELLOR, LALIT NARAYAN MITHILA UNIVERSITY, KAMESHWAR NAGAR, P.S LALIT NARAYAN MITHILA UNIVERSITY CAMPUS, DARBHANGA.
6.THE CHAIRMAN, BIHAR STATE UNIVERSITY (CONSTITUENT COLLEGE)SERVICE COMMISSION-9, BAILEY ROAD, PATNA.
7.THE SECRETARY BIHAR STATE UNIVERSITY(CONSTITUENCY)COLLEGE) SERVICE COMMISSION-9 BAILEY ROAD, PATNA.
8.THE CHANCELLOR OF THE UNIVERSITY OF BIHAR THROUGH OFFICER ON SPECIAL DUTY(JUDICIAL)IN the OFFICE OF CHANCELLOR.

.....RESPONDENTS.

04/ 07.07.2011 Heard Mr. Ratan Kumar Kunwar, learned counsel for the petitioner, Mr. Ritesh Kumar, learned counsel for the L.N. Mithila University and Mr. Sajal Kumar, learned counsel for the State.

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Mr. Kumar, at the very outset by filing a supplementary affidavit has submitted that the grievance of the petitioner as sought to be raised in this writ application has been redressed during its pendency, inasmuch as, the University by notification dated 26.04.2011 has notified the promotion of the petitioner on the post of University Professor w.e.f. 01.02.1985. He however apprehends that unless a direction is given by this Court for payment of arrears of salary of such promotional post, the University which has taken more than a decade in notifying the promotion of the petitioner may keep the petitioner still deprived of the consequential benefits. In this context, he has also placed reliance on directions given by this Court on 31.03.2011 in C.W.J.C. NO. 9636 of 2006(Professor Dr. Raghubansh Jha and Ors), wherein, a specific direction was given by this Court to pay him (Dr. Raghubansh Jha) all the consequential promotional benefits within a period of six months.

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Mr. Ritesh Kr, learned counsel for the University submits that such apprehension of the petitioner is wholly unfounding, inasmuch as, the notification by which the promotion was given to the petitioner w.e.f. 01.12.1985, itself contains a direction for fixing of pay. In any event, he assures that the petitioner will not be discriminated in the matter of payment of promotional benefit and would be given the same promotion as has been given to any other teacher of the University who have been promoted on the post of University Professor with retrospective effect after their retirement.

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Recording the aforementioned submission this application is disposed of. It is however, made clear that whatever consequential benefits are payable to the petitioner on the post of University Professor or its including the revision of the retirement benefit that must be done with full payment thereof within a period of six months from the date of receipt/production of a copy of this order, failing which the petitioner will be entitled for payment of

interest @ 6% per annum in same terms as directed by this Court in the order dated 31.3.2011 in C.W.J.C. no. 9636 of 2006.

With the aforesaid observation and direction this application is disposed of.

Ranjan **(Mihir Kumar Jha, J)**

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